

In the United States District Court

For the Western District of North Carolina

FILED
CHARLOTTE, NC

OCT 17 2011

Charlotte Division

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

Civil No. 3:11-CV-00308-MOC-DSC

LaShonda Sims)

Plaintiff,)

v.)

) Response to "Motion to Dismiss"

Windstream Communications INC,)

Jennifer Buck, Josh Imhoff, Leslie Harrell,)

Sue Intihar and (Adam Covington))

Defendants,)

)

This statement is to serve as a written response for "Motion to Dismiss" filed on September 28, 2011 by Defendants Jennifer Buck, Josh Imhoff, Leslie Harrell, Sue Intihar and Adam Covington. I would like to pursue my amended pleading, calling attention to the statutory elements in which this case was filed.

Argument

I the Plaintiff initiated my original action/complaint on June 23, 2011. Due to addressing issues on mail there was a delay in me receiving time sensitive documents, however after being notified by the Court of response due I promptly filed an amended complaint in which I requested to be reviewed as my response to the Defendants filing of "Motion to Dismiss". My amended complaint superseded the original pleading and focused more so on the discriminatory act displayed against me while being employed at Windstream Communications INC. After being presented to the District Judge into which this case is assigned, it has been approved by the court for me to amend my complaint.

Conclusion

For the foregoing reasons, I the Plaintiff respectfully request that the Defendants "Motion to Dismiss" be denied. I have stated and can prove a substantial claim in which I have been discriminated against by Windstream Communications INC. and the burden to prevail rest upon me.

Respectfully submitted, on this 17th day of October, 2011



J. LaShonda Sims

Plaintiff